

## **REMARKS**

Claims 1-8 stand rejected, are pending and at issue. More specifically, claims 1-8 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by He et al. However, as He et al. fails to disclose one or more recited features, the rejection should be withdrawn and the claims allowed.

Independent claim 1, from which all remaining claims depend from either directly or indirectly, recites a method for balancing the load of a wireless network. Furthermore, the claim recites a plurality of access points. These features are simply not disclosed in He et al. Instead, He et al. is concerned with a wired network that includes servers and clients. The wireless network and associated access points, as recited in claim 1, are unique and cannot be considered equivalent to the servers and clients found in a wired network. The wired structure disclosed in He et al. performs completely different functions than the wireless network and associated access points as recited in claim 1. For this reason alone, the rejection of claim 1 should be withdrawn and the claims allowed.

Furthermore, claim 1 recites sending a probe-request frame from a station to the plurality of access points and sending a probe-response frame from the access point with the lowest load to the station. He et al. fails to disclose a probe-request frame, let alone sending a probe request frame from a station to the plurality of access points and sending a probe-response frame from the access point with the lowest load to the station, as recited in claim 1. At best, He et al. discloses that an LB server that characterizes or categorizes each of the servers based on the network load measurements. Again, He et al. also fails to disclose the access points as recited in

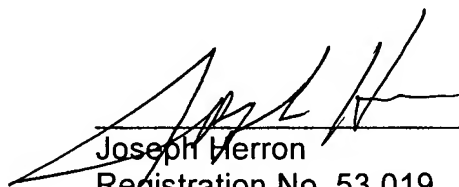
these steps. For these additional reasons, the rejection of claim 1 should be withdrawn and the claims allowed.

Similarly, claim 1 recites selecting an access point with the lowest load and constructing an association between the station and the access point with the lowest load. He et al. fails to disclose constructing such an association. Again, He et al. also fails to disclose the access points as recited in these steps as well as creating the recited association. For these additional reasons, the rejection of claim 1 should be withdrawn and the claims allowed.

Claims 2-8 depend from claim 1 either directly or indirectly and more specifically recite the method of claim 1. As He et al. fails to disclose one or more features recited in claim 1, the rejection of claims 2-8 should also be withdrawn and the claims allowed.

Applicants respectfully reconsideration of the rejection of claims 1-8 and allowance of the case. If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (33038-407500) on the account statement.

Respectfully submitted,  
SEYFARTH SHAW LLP



---

Joseph Herron  
Registration No. 53,019  
Attorney for Applicant

SEYFARTH SHAW LLP  
131 So. Dearborn Street, Suite 2400  
Chicago, Illinois 60603  
(312) 460-5301

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 1, 2007.

April J. Wagner  
April J. Wagner